

OFFICERS REPORT

Application No: Y17/0819/SH
Location: 7 Belle Vue Coopers Lane Sellindge Ashford Kent TN25 6AH
Proposal Construction of a single storey outbuilding within the garden area to accommodate home office and recreational gym.

ASSESSMENT

Performance data:-

Date application valid: 12.07.2017

Applicable 8/13/16 week target date: 06.09.2017

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? N

If Yes, revised 8/13/16 week target date: n/a

Is the application being determined after 26 weeks without a PPA or a PEA? N

SITE VISIT

Carried out site visit on 18.08.2017.

The site and proposals were assessed from the PROW footpath to the rear of the site.

SITE

The application property is a grade 2 listed dwelling, within a small group of dwellings, located within the open countryside and is situated on the northern side of Cooper's Lane. The rear garden of the property is situated at a higher ground level than the house and there is a PROW running adjacent to the rear boundary of the site across fields.

HISTORY

Y16/0169/SH- Listed Building Consent for internal alterations to include removal of internal plasterboard walls at ground floor, replacement plasterboard wall at first floor together with plastering and repairs and renewal of services. (Approved 08.04.16)

93/0261/SH - Erection of a detached dwelling. (Refused 03.06.93)

92/0321/SH - Erection of a detached dwelling. (Refused 26.06.92)

91/0692/SH - Outline application for the erection of a dwelling. (Refused 19.09.91)

91/0239/SH - Outline application for single dwelling (Refused 29.05.91)

87/0638/SH - Erection of a garage and construction of vehicular access (Approved 08.10.87)

PROPOSAL

This application is for a timber outbuilding to be erected in the rear part of the garden adjacent to the shared boundary with 4 Bell Vue Cottages. The closest part of the outbuilding will be about 14.6 from the rear of the house.

The proposed outbuilding is of a simple oblong form with a flat roof and timber weatherboard. The footprint of the building would measure 6.5 m by 3.7m and the height a maximum of about 2.6m.

Although the windows were originally proposed as UPVC double glazed in the submission the applicant has now amended the submission to use timber framed double glazed windows and doors. The weatherboard is to be maintained as natural oak.

The outbuilding is proposed for the use as a 'home office and recreational gym'. The applicant advises that 'there are limitations to size within the existing dwelling which cannot accommodate these activities'.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below:

Parish Council - no reply

Listed Building officer - The location will be close to a neighbours outbuilding in a part of the site that is not easily seen from Coopers Lane or Stone Hill and so will not be prominent in longer views. The timber cladding should be stained black or retained as natural oak . The use of UPVC windows is regrettable.

REPRESENTATIONS

1 representations received and are available in full on the planning file. The main points raised are summarised below.

- Infilling could ruin the character of the grade 2 listed building and surrounding areas;
- Overdevelopment of the site;
- Noise from the building could cause disturbance to neighbours due to its location.

PUBLICITY

Neighbours notified by letter. Expiry date 03.08.2017

Site notice displayed. Expiry date 10.08.2017

Advertised in press. Expiry date 17.08.2017

RELEVANT POLICIES

Shepway District Local Plan Review apply: SD1, BE1, BE5, CO1.

Shepway Local Plan Core Strategy apply: DSD

National Planning Policy Framework - particularly paragraphs 11, 14, 17, 56, 57, 61, 132.

National Planning Policy Guidance

APPRAISAL

Design and visual appearance

Policy BE1 requires a high standard of layout design and choice of materials, sympathetic to the area. Policy BE5 requires the setting of listed buildings be preserved and applications be refused if they would adversely affect the setting or character of the listed building. Policy CO1 seeks to protect the countryside for its own sake and requires development to be sympathetic in terms of design, scale and appearance to their setting.

In this case the application property is a residential dwelling with a good sized garden. The property is listed but the proposed outbuilding is a good distance from the house. The proposal does not seek to replicate an outbuilding of the age of the original house but it is also not considered to be detract from the qualities of the listed building or its setting. The design is simple and the use of timber weatherboard and timber windows is considered to be suitable for an outbuilding for a rural dwelling. The size of the outbuilding is similar to that of a standard single garage and, given the size of the garden, is not resulting in a cramping of the site.

The build will be clearly seen from the PROW running adjacent to the rear boundary of the site but it will be seen in the context of other domestic outbuildings and domestic paraphernalia. From some close vantage points existing planting will afford a level of screening.

The outbuilding will not be seen from Coopers Lane or Stone Hill and so will not be prominent in longer views.

Overall the proposed outbuilding is considered to be acceptable as an ancillary outbuilding to 7 Belle Vue and will not harm the character or setting of the listed building or the countryside in which the site is located.

Amenities of neighbouring occupiers

Policy SD1 of the local plan requires the amenities of neighbours are protected.

The proposed outbuilding would be a maximum of 2.6m high and at this height and in the location proposed - a significant distance from the windows of neighbouring dwellings - the proposal will not result in a loss of outlook from or daylight to neighbours windows. Likewise the proposal will not result in a level or duration of overshadowing that would harm neighbours living conditions and no new situation of overlooking would occur given the single storey nature of the building.

Neighbours are concerned in respect to the use of the building generating noise and disturbance but as an ancillary building to the residential use the use would be considered to be 'incidental' to that of the main house and possible noise/disturbance does not warrant the refusal of the application. (There are Environmental Statutory Nuisance powers to tackle noise disturbance if it should occur. Likewise of the building is not used as incidental to the house - so for example it used as an office/business that generates customer/trade visits or is

used by those other than the occupiers of the main dwelling then it may be concluded that it is not in a use 'incidental' to the house.)

No objection is raised in respect to the impact on neighbours living conditions.

Parking and highways

No issued raised as incidental space only.

Other issues raised

Local finance consideration

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: W Simpson Position: Snr Planner Date: 30.08.2017

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: Position: Date: